

# COMMITTEE AMENDMENT FORM

DATE: 09/18/ 06

COMMITTEE CITY UTILITIES

PAGE NUM. (S) 2 & 3

ORDINANCE I. D. #06-O-1957

SECTION (S) 3 & 6

RESOLUTION I. D. #06-R-

PARA. 9<sup>TH</sup>

AMENDS THE LEGISLATION BY ADDING A NEW 9<sup>TH</sup> WHEREAS.

ALSO AMENDS THE LEGISLATION BY ADDING A NEW SECTION 3 & 6.

FURTHERS AMENDS BY ADDING NEW LEGAL DESCRIPTIONS.

AMENDMENT DONE BY COUNCIL STAFF 9/~~18~~/06

CITY UTILITIES COMMITTEE

**TO ABANDON A PORTION OF LAKESIDE DRIVE  
BETWEEN WRIGHT AVENUE AND KINGSBORO ROAD,  
BEING MORE SPECIFICALLY DESCRIBED IN THE  
LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A":  
SAID PROPERTY LYING AND BEING IN LAND LOT 9 OF  
DISTRICT 17, FULTON COUNTY, GEORGIA; AND FOR  
OTHER PURPOSES.**

**WHEREAS**, Trelcom Development, Ltd. (the "Applicant"), has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment, and statements that they do not intend to purchase a pro rata share of the area that the Applicant is requesting that the City abandon; and

**WHEREAS**, the Applicant filed its application in February, 2006 and paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the City of Atlanta pursuant to Resolution No. 06-R-0211 has authorized the Applicant to file an application to rezone the area of Lakeside Avenue described in the Legal Description attached as Exhibit "A"; and

**WHEREAS**, the Applicant has submitted a detailed plan to the Department of Public Works, the City of Atlanta Police Department and Fire Department; and

**WHEREAS**, the Applicant has conducted numerous meetings with Neighborhood Planning Unit B and impacted Neighborhoods; and

**WHEREAS**, the Applicant, Neighborhoods, and Neighborhood Planning Unit B wish to have a decision regarding amendment to Comprehensive Development Plan, rezoning and street abandonment to be considered concurrently; and

**WHEREAS**, this abandonment request has been reviewed and approved by the City agencies, neighborhood planning units and other applicable entities referenced in Section 138-9(b)(2); and

**WHEREAS**, NPU B recommends that the right-of-way that is the subject of this abandonment request be abandoned by the City of Atlanta; and

**WHEREAS**, the abandonment will not adversely affect traffic flow in the area; and

**WHEREAS**, the abandonment right-of-way shall become part of the development which is the subject of Applicant's application to rezone the property which is the subject of the abandonment.

**NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** as follows:

**SECTION 1:** That the Applicant has met the requirements of Section 138-9 of the City of Atlanta Code of Ordinances, including having the abandonment request reviewed by the police, fire and planning departments.

**SECTION 2:** That the portion of the above-referenced property, whose legal description is as shown on the attached Exhibit "A," is hereby declared no longer useful or necessary for the public's use and convenience.

**SECTION 3:** The Applicant shall dedicate the land to the City that is described in Exhibit "B."  
(NEW)

**SECTION 4:** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time, said easements shall expire.

**SECTION 5:** The Applicant shall pay all costs associated with the design and construction of the Wright Avenue right-of-way extension contemplated for the land in Exhibit "B" as shown in Rezoning Application Z-06-30.

**SECTION 6:** Prior to the land exchange proposed herein, the fair market value of the land contained in Exhibit "A" and the land contained in Exhibit "B" will be determined by appraisal. In the event the fair market value of the property contained in Exhibit "A" exceeds the fair market value of the property contained in Exhibit "B," the Applicant agrees to compensate the City of Atlanta in an amount equal to the difference in value and said compensation shall occur prior to or simultaneously with the execution of the deeds described in Section 7 below. In the event the fair market value of the property contained in Exhibit "B" exceeds the fair market value of the property contained in Exhibit "A," the City of Atlanta shall not be required to compensate the Applicant for the difference in value. The requirements of this Section 6 shall not result in the City of Atlanta denying or refusing to approve Transportation Impact Fee Credits otherwise due to Applicant if eligible pursuant to City Code.

**SECTION 7:** That the Mayor is hereby authorized to execute a Quitclaim Deed to Applicant conveying any interest that the City may have in the above-described portion of Lakeside Drive abandoned herein simultaneously with the Applicant's execution of a warranty deed in favor of

the City of Atlanta for the land described in Exhibit “B.”

**SECTION 8:** The date of execution of this Ordinance by the Mayor shall be the effective date of abandonment.

**SECTION 9:** That all Ordinances and parts of Ordinances in conflict herewith are hereby waived in this instance only.

**LEGAL DESCRIPTION**  
**ROW TO BE ABANDONDED**  
**Existing Lakeside Drive**

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r/w varies) and the easterly right-of-way line of Oak Valley Road (r/w varies); thence North  $65^{\circ}14'40''$  East for a distance of 79.00 feet to a point; thence South  $25^{\circ}14'54''$  East for a distance of 148.41 feet to a point; thence North  $65^{\circ}09'00''$  East for a distance of 80.34 feet to a point; thence North  $65^{\circ}13'49''$  East for a distance of 78.09 feet to a point; thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South  $39^{\circ}55'58''$  East 88.12 feet; thence South  $57^{\circ}42'20''$  East for a distance of 56.10 feet to a point; thence South  $58^{\circ}00'47''$  East for a distance of 117.98 feet to a point; thence South  $57^{\circ}34'57''$  East for a distance of 127.73 feet to a point; thence South  $57^{\circ}38'49''$  East for a distance of 64.91 feet to a point; thence North  $34^{\circ}39'23''$  East for a distance of 56.75 feet to a point; thence South  $49^{\circ}34'44''$  East for a distance of 69.90 feet to a point; thence South  $42^{\circ}05'05''$  East for a distance of 109.88 feet to a point; thence South  $37^{\circ}46'48''$  East for a distance of 70.99 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence North  $65^{\circ}02'31''$  East for a distance of 69.67 feet to a point; thence North  $33^{\circ}58'49''$  East for a distance of 218.46 feet to a point; thence North  $32^{\circ}01'54''$  East for a distance of 131.07 feet to a point; thence South  $42^{\circ}25'13''$  East for a distance of 6.87 feet to a point; thence North  $47^{\circ}36'40''$  East for a distance of 56.97 feet to a point; thence North  $80^{\circ}00'41''$  East for a distance of 1.87 feet to a point; thence South  $31^{\circ}06'06''$  West for a distance of 130.66 feet to a point; thence South  $32^{\circ}58'04''$  West for a distance of 77.91 feet to a point; thence South  $34^{\circ}14'27''$  West for a distance of 39.86 feet to a point; thence South  $33^{\circ}58'49''$  West for a distance of 101.24 feet to a point; thence, along the arc of a curve to the left a distance of 15.41 feet said arc having a radius of 13.25 feet and being subtended by a chord with a bearing and distance of South  $00^{\circ}15'32''$  East 14.56 feet; thence, along the arc of a curve to the right a distance of 91.79 feet said arc having a radius of 85.00 feet and being subtended by a chord with a bearing and distance of South  $08^{\circ}38'09''$  East 87.40 feet; thence, along the arc of a curve to the left a distance of 38.61 feet said arc having a radius of 25.21 feet and being subtended by a chord with a bearing and distance of South  $17^{\circ}59'30''$  East 34.95 feet; thence, along the arc of a curve to the left a distance of 14.01 feet said arc having a radius of 342.75 feet and being subtended by a chord with a bearing and distance of South  $65^{\circ}40'57''$  West 14.01 feet; thence, along the arc of a curve to the right a distance of 55.23 feet said arc having a radius of 257.00 feet and being subtended by a chord with a bearing and distance of North  $60^{\circ}41'00''$  West 55.12 feet; thence South  $86^{\circ}40'49''$  West for a distance of 43.51 feet to a point; thence North  $37^{\circ}43'00''$  West for a distance of 89.70 feet to a point; thence North  $37^{\circ}46'48''$  West for a distance of 28.62 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 1.081 acres.

**LEGAL DESCRIPTION**  
**PROPOSED ROW I**  
**Lakeside Drive Additional ROW**

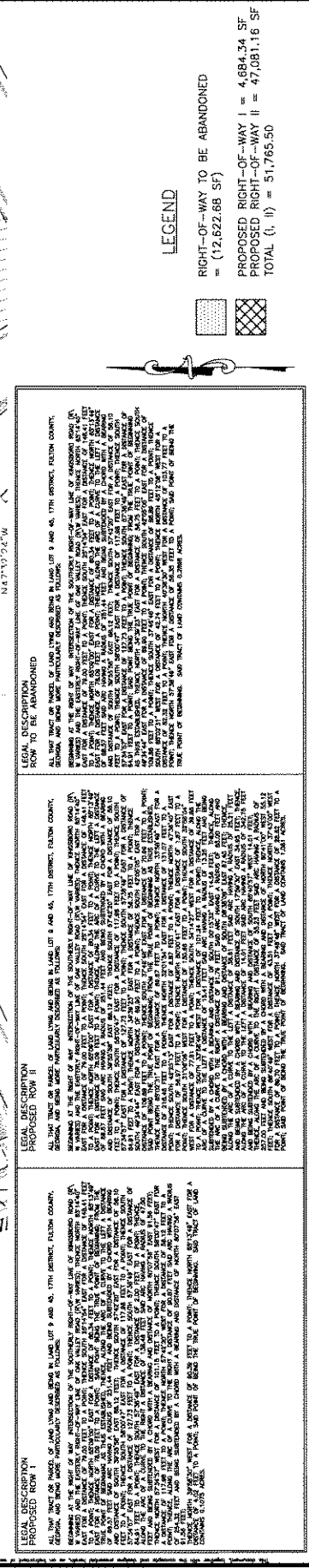
All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r\w varies) and the easterly right-of-way line of Oak Valley Road (r\w varies); thence North  $65^{\circ}14'40''$  East for a distance of 79.00 feet to a point; thence South  $25^{\circ}14'54''$  East for a distance of 148.41 feet to a point; thence North  $65^{\circ}09'00''$  East for a distance of 80.34 feet to a point; thence North  $65^{\circ}13'49''$  East for a distance of 78.09 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, Thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South  $39^{\circ}55'58''$  East 88.12 feet; thence South  $57^{\circ}42'20''$  East for a distance of 56.10 feet to a point; thence South  $58^{\circ}00'47''$  East for a distance of 117.98 feet to a point; thence South  $57^{\circ}34'57''$  East for a distance of 127.73 feet to a point; thence South  $57^{\circ}38'49''$  East for a distance of 64.91 feet to a point; thence South  $57^{\circ}38'49''$  East for a distance of 2.00 feet to a point; Thence, along the arc of a curve to the right a distance of 138.46 feet said arc having a radius of 47.00 feet and being subtended by a chord with a bearing and distance of North  $60^{\circ}07'56''$  East 91.56 feet; thence North  $57^{\circ}34'57''$  West for a distance of 101.15 feet to a point; thence South  $58^{\circ}00'47''$  East for a distance of 117.98 feet to a point; thence North  $57^{\circ}42'20''$  West for a distance of 56.12 feet to a point; Thence, along the arc of a curve to the right a distance of 90.87 feet said arc having a radius of 254.32 feet and being subtended by a chord with a bearing and distance of North  $60^{\circ}07'56''$  East 91.56 feet; thence North  $39^{\circ}58'30''$  West for a distance of 90.39 feet to a point; thence North  $65^{\circ}13'49''$  East for a distance of 4.02 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 0.1075 acres.

**LEGAL DESCRIPTION**  
**PROPOSED ROW II**  
**Wright Avenue Extention**

All that tract or parcel of land lying and being in Land Lot 9 and 45, 17th District, Fulton County, Georgia, and being more particularly described as follows:

Beginning at the right of way intersection of the southerly right-of-way line of Kingsboro Road (r/w varies) and the easterly right-of-way line of Oak Valley Road (r/w varies); thence North  $65^{\circ}14'40''$  East for a distance of 79.00 feet to a point; thence South  $25^{\circ}14'54''$  East for a distance of 148.41 feet to a point; thence North  $65^{\circ}09'00''$  East for a distance of 80.34 feet to a point; thence North  $65^{\circ}13'49''$  East for a distance of 78.09 feet to a point; thence, along the arc of a curve to the left a distance of 88.57 feet said arc having a radius of 251.44 feet and being subtended by a chord with a bearing and distance of South  $39^{\circ}55'58''$  East 88.12 feet; thence South  $57^{\circ}42'20''$  East for a distance of 56.10 feet to a point; thence South  $58^{\circ}00'47''$  East for a distance of 117.98 feet to a point; thence South  $57^{\circ}34'57''$  East for a distance of 127.73 feet to a point; thence South  $57^{\circ}38'49''$  East for a distance of 64.91 feet to a point; said point being the TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, thence North  $34^{\circ}39'23''$  East for a distance of 56.75 feet to a point; thence South  $49^{\circ}34'44''$  East for a distance of 69.90 feet to a point; thence South  $42^{\circ}05'05''$  East for a distance of 109.88 feet to a point; thence South  $37^{\circ}46'48''$  East for a distance of 86.89 feet to a point; thence South  $65^{\circ}02'31''$  West for a distance of 42.74 feet to a point; thence North  $45^{\circ}12'08''$  West for a distance of 82.32 feet to a point; thence North  $40^{\circ}38'30''$  West for a distance of 103.77 feet to a point; thence North  $57^{\circ}38'49''$  East for a distance of 56.35 feet to a point; said point of being the TRUE POINT OF BEGINNING. Said tract of land contains 0.2898 acres.



| CURVE TABLE |             |        |         |        | CHORD |
|-------------|-------------|--------|---------|--------|-------|
|             | BEARING     | LENGTH | RADIUS  |        |       |
| C1          | S49°35'31"E | 84.50  | 539.52  | 84.41  |       |
| C2          | S58°38'27"E | 86.03  | 539.45  | 85.94  |       |
| C3          | S62°17'32"E | 7.50   | 293.45  | 7.50   |       |
| C4          | S58°28'35"E | 22.01  | 283.45  | 22.00  |       |
| C5          | S58°28'35"E | 12.44  | 307.09  | 12.44  |       |
| C6          | S67°13'31"E | 85.48  | 507.09  | 85.19  |       |
| C7          | S74°50'31"E | 150.05 | 4198.04 | 150.04 |       |

[illegible]



**AN ORDINANCE**

**BY CITY UTILITIES COMMITTEE**

**TO ABANDON A PORTION OF LAKESIDE DRIVE  
BETWEEN WRIGHT AVENUE AND KINGSBORO ROAD,  
BEING MORE SPECIFICALLY DESCRIBED IN THE  
LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A":  
SAID PROPERTY LYING AND BEING IN LAND LOT 9 OF  
DISTRICT 17, FULTON COUNTY, GEORGIA AND FOR  
OTHER PURPOSES.**

**WHEREAS**, Trelcom Development, Ltd. (the "Applicant"), has filed a formal petition with the City of Atlanta (the "City") to abandon the above-referenced property, said application containing the consent of the other abutting property owners to the abandonment, and statements that they do not intend to purchase a pro rata share of the area that the Applicant is requesting that the City abandon; and

**WHEREAS**, the Applicant has paid a fee of \$2,500.00 for the abandonment, as specified by Section 138-9(a)(5) of the City of Atlanta Code of Ordinances; and

**WHEREAS**, the City of Atlanta pursuant to Resolution No. 06-R-0211 has authorized the Applicant to file an application to rezone the area of Lakeside Avenue described in the Legal Description attached as Exhibit "A"; and

**WHEREAS**, the Applicant has submitted a detailed plan to the Department of Public Works, the City of Atlanta Police Department and Fire Department; and

**WHEREAS**, the Applicant has conducted numerous meetings with Neighborhood Planning Unit B and impacted Neighborhoods; and

**WHEREAS**, the Applicant, Neighborhoods, and Neighborhood Planning Unit B wish to have a decision regarding amendment to Comprehensive Development Plan, rezoning and street abandonment to be considered concurrently; and

**WHEREAS**, this abandonment request has been reviewed and approved by the City agencies, neighborhood planning units and other applicable entities referenced in Section 138-9(b)(2); and

**WHEREAS**, NPU B recommends that the right-of-way that is the subject of this abandonment request be abandoned by the City of Atlanta; and

**WHEREAS**, the abandonment will not adversely affect traffic flow in the area.

**LEGAL DESCRIPTION  
AREA OF ABANDONMENT**

All that tract or parcel of land lying and being in Land Lot 9, 17TH District, Fulton County, Georgia, and being more particularly described as follows:

**Commencing** at the intersection of the southern right-of-way of Lakeside Drive, having a variable width right-of-way, and the northern right-of-way of Wright Avenue, having a variable width right-of-way, thence following the southerly right-of-way of Lakeside Drive North 45 degrees 12 minutes 08 seconds West a distance of 24.50 feet to the **TRUE POINT OF BEGINNING**, thence from the **TRUE POINT OF BEGINNING** as thus established North 65 degrees 02 minutes 31 seconds East a distance of 42.74 feet to a point; thence North 37 degrees 46 minutes 48 seconds West a distance of 86.89 feet to a point; thence North 42 degrees 05 minutes 05 seconds West a distance of 109.88 feet to a point; thence North 49 degrees 34 minutes 44 seconds West a distance of 69.90 feet to a point; thence South 34 degrees 39 minutes 23 seconds West a distance of 20.97 feet to a point; thence, along the arc of a curve to the right a distance of 37.98 feet said arc having a radius of 57.00 feet and being subtended by a chord with a bearing and distance of South 15 degrees 52 minutes 51 seconds West 37.28 feet to a point; thence South 57 degrees 38 minutes 49 seconds East a distance of 44.35 feet to a point; thence South 40 degrees 38 minutes 30 seconds East a distance of 103.77 feet to a point; thence South 45 degrees 12 minutes 08 seconds East a distance of 82.32 feet to a point; **The Point of Beginning.**

Said tract or parcel of land contains 12330 square feet or 0.28 acres .

January 6, 2006  
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Files\OLK146\abandonment.doc

